

To the FCC Commissioners:

This is the third comment I have filed in response to ET Docket No. 04-37, the Commission's NPRM concerning Part 15 rules changes affecting deployment of BPL technology. The two comments I previously filed dealt with the more technical and practical concerns that Access BPL will cause harmful interference to licensed services operating in the HF / low-VHF frequency spectrum. With the deadline for comment filing at hand, I feel it is important to record some additional thoughts about this issue from a different perspective.

As this comment is being written, there are 740 "records" for ET Docket No. 04-37 shown on the ECFS. Looking at them as a whole, it is important to recognize that they represent two fundamentally different positions and two fundamentally different groups.

First, there are the relatively few comments on behalf of those parties that perceive they will realize a significant economic gain from widespread deployment of Access BPL service. These are the entities that will provide broadband data and the electric utilities that will distribute it over their existing power lines. Fundamentally, all of these are for-profit business corporations or related institutions that are represented by experienced law firms. These law firms and their attorneys are skilled in "packaging" their clients' comments in a formal and powerful manner that emphasizes the potential public benefits of BPL while, at the same time, deflecting or discounting the adverse interference impact on existing licensed services that BPL could cause. Comments from, or on behalf of, these organizations are usually many pages long, and presented in superbly crafted language suitable to arguments in America's courtrooms. That is their objective – to argue for rules changes that maximize the ability to deploy BPL and minimize any impediment to that deployment. Reading these comments would tend to give one the impression that BPL poses no material risk of interference to licensed communications services, and imply that those who express concern for such interference are misguided, uninformed, or unable to demonstrate any basis for their concern.

On the other hand, there is the other group of respondents who are much larger in numbers. We are individuals, and most of us are licensed amateur radio operators. We are the "ordinary citizens" in the arena who are not financially capable of engaging lawyers to argue on our behalf. The words in our comments are our own, sometimes poorly chosen, sometimes reflecting poor spelling or grammar, and sometimes less than technically focused. Only a very few "institutional" respondents such as the American Radio Relay League and CQ Communications speak for us. Nevertheless, our comments reflect very genuine concerns about the potential for BPL-generated harmful interference in the frequency spectrum that we are authorized to use. Our comments may not be as eloquent as those offered by business institutions that stand to profit from BPL deployment, but they carry equal dignity, they have equal value, and they deserve equal consideration.

I realize that as individual Commissioners, and in the aggregate, you support widespread deployment of Access BPL service. Furthermore, that there are public benefits to be

realized from providing more broadband data service is something with which most people would agree. However, you must also realize that delivery of Access BPL over a large network of unshielded electric power lines will indeed expose licensed communications services to interference, possibly at levels that will impair communications. If the Commission chooses to facilitate BPL deployment, when other means of broadband data delivery may be more technically feasible and more economical, it must honor its fundamental obligation to protect licensed services using the HF/low-VHF spectrum from BPL-generated interference.

This does not mean simply establishing procedures for reporting interference to electric utilities for “investigation” at some uncertain future time or in some uncertain forum. It means immediately stopping it altogether. In this regard, I cannot honestly believe that BPL service providers and/or electric utilities alone (as the sources of the interference) will have any incentive to immediately cease operation upon receipt of a harmful interference report, when doing so would disrupt their customer service and adversely affect them financially. Without immediate relief, and if the interference continues, what non-judicial recourse will any licensed individual or licensed service have to cause the Commission to enforce a strict non-interference policy? Individual parties (such as licensed amateur radio operators) cannot afford to initiate litigation to enforce the elimination of interference they experience. The Commission alone must carry and execute the enforcement authority, which must be both immediate and totally effective. Is it prepared to do that?

Hundreds of thousands of radio amateurs in this country have been granted licenses to operate by the Commission, and the Commission has an obligation to protect the amateur service from harmful interference. Subordinating this obligation to the pecuniary interests of broadband data providers and electric utilities as a result of institutional, political, or financial influence would be a clear violation of public trust. We are ordinary American citizens who, without access to the eloquence provided by legal representation, sometimes struggle to express ourselves as clearly as we might like. Regardless, please do not dismiss our comments or the concerns that have motivated them. Listen to us. Make sure that all available technical data and field test results are carefully and objectively examined before you commit to any final rules changes. We have much at stake in this matter, but so do you.

What will you say to us if you permit Access BPL technology to be deployed on a widespread basis without rules in place that provide absolute protection from harmful interference to amateur and other licensed services, and interference then proves to be a by-product of that technology? There will be nothing you can say, except that you have failed your responsibilities to every affected individual and entity who holds a license you have granted and whose operating privileges you are obligated to protect.

Thank you.